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KAPLAN, J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEITH MURRAY,

Plaintiff,

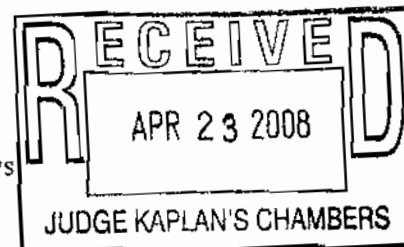
-against-

UNITED PARCEL SERVICE OF AMERICA, INC.,
UNITED PARCEL SERVICE, INC., UNITED PARCEL
SERVICE CO., THOMAS CLEARY AND JILLIAN
DEDIER,

Defendants.
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INDEX NO. 08-CV-02160(LAK)

CONSENT SCHEDULING ORDER



Upon Consent of the parties, it is hereby ORDERED as follows

1. No additional parties may be joined after July 8, 2008.
2. No amendments to the pleadings will be permitted after the time limits prescribed by the Federal Rules of Civil Procedure.
3. The parties shall make required Rule 26(a)(2) disclosures with respect to:
 - (a) expert witnesses on or before June 30, 2008.
 - (b) rebuttal expert witnesses on or before July 15, 2008.
4. All discovery, including any depositions of experts, shall be completed on or before August 8, 2008.
 - a. Disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure will be made by April 25, 2008.
 - b. First requests for production of documents and first requests for interrogatories will be made by May 16, 2008.
5. Other Discovery Matters.
 - a. Depositions. None of the parties propose any changes to the limitations imposed on depositions by the Federal Rules of Civil Procedure or the Local Rules of the District Court for the Southern District of New York.
 - b. Interrogatories. Each party may interpose a maximum of 25 interrogatories which shall comply with the Federal Rules of Civil Procedure as well as the Local Rules of the District Court for the Southern District of New York.

c. Medical Examinations. Pursuant to Rule 35 of the Federal Rules of Civil Procedure, the parties have agreed that Defendants may seek mental and/or physical examinations of Plaintiff who has put in controversy his mental and physical condition (*see, e.g.*, Paragraphs 53 and 54 of the Complaint).

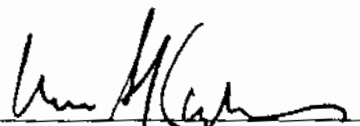
e. Health Records. With respect to every health care provider and therapist from whom Plaintiff received medical, psychological, or therapeutic care, treatment, consultation, examination or diagnosis at any time beginning January 1, 2005, to the present, Plaintiff will provide to Defendants by April 25, 2008, a signed written authorization (in a form provided to Plaintiff by Defendants) directing each such health care provider to disclose and release to counsel for Defendants all records relating to such care, treatment, consultation, examination, or diagnosis.

f. Electronic Discovery. Where practicable, documents kept in hard copy in the ordinary course shall be produced in electronic form with a hard copy to follow. Also where practicable, all electronically stored information shall be produced in PDF or TIFF format, with the Bates number included in the image, converted directly from the electronic file.

g. Privilege. Any issues regarding the inadvertent production of privileged materials will be governed by the applicable procedural rules.


6. A joint pretrial order in the form prescribed in Judge Kaplan's individual rules shall be filed on or before October 1, 2008.
7. No motion for summary judgment shall be served after the deadline fixed for submission of the pretrial order. The filing of a motion for summary judgment does not relieve the parties of the obligation to file the pretrial order on time.
8. If any party claims a right to trial by jury, proposed voir dire questions and jury instructions shall be filed with the joint pretrial order.
9. Each party or group of parties aligned in interest shall submit not less than ten (10) days prior to trial (a) a trial brief setting forth a summary of its contentions and dealing with any legal and evidentiary problems anticipated at trial, and (b) any motions in limine.
10. This scheduling order may be altered or amended only on a showing of good cause not foreseeable at the date hereof. Counsel should not assume that extensions will be granted as a matter of routine.

Dated: April 23, 2008
New York, New York


Lewis A. Kaplan
United States District Judge

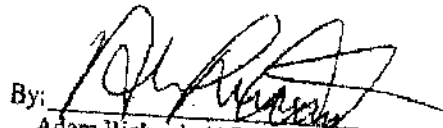
CONSENTED TO:

By:


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